

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAWN BEASON,

Plaintiff,

v.

HSA K. SMITH, *et al.*,

Defendants.

Civil Action No. 08-344 Erie

MEMORANDUM JUDGMENT ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on December 8, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C.

§ 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [33], filed on July 30, 2010, recommends that the Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment [28] be granted. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at his current address of record, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23rd day of August, 2010;

IT IS ORDERED that the Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment [28] be, and hereby is, GRANTED. JUDGMENT is hereby entered in favor of Defendant Piotrowski and against Plaintiff, and Plaintiff's claims as against all remaining Defendants are hereby DISMISSED due to Plaintiff's failure to exhaust his administrative remedies.

The Report and Recommendation of Magistrate Judge Baxter [33], dated July 30, 2010, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
United States Magistrate Judge Baxter